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SUBJECT: IPR IN THE MALDIVES: LOTS TO DO IN LITTLE TIME

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11. (SBU) SUMMARY: The Maldives does not currently have legislation on the books protecting intellectual property rights (IPR). The Maldives is expected to graduate from the list of least developed nations by 2011, necessitating passage of WTO-compatible intellectual property legislation. Since 2008's successful transfer to a pro-Western democracy following 30 years of dictatorial rule, the Government of the Maldives (GOM) has worked to implement and modernize its shaky regulatory and statutory regime. In the past year, an intellectual property unit has been formed in the Ministry of Economic Development and numerous training, capacity building, and public information campaigns have taken place. Despite its early efforts, the GOM has much to do in little time and is working closely with the World Intellectual Property Organization (WIPO) to ensure implementation of appropriate legislation prior to the end of 2010. END SUMMARY

LITTLE PROTECTION NOW

12. (U) EconOff met with Mr. Ahmed Mumthaz, director of the Intellectual Property Unit (IPU), and Solih Hussain, director of the Ministry of Economic Development on November 15 to discuss progress in developing, passing and implementing a new IRP regime. While admitting that the Maldives does not currently have any law specifically protecting intellectual property, Mumthaz did point to the country's consumer protection law, which could be used to prosecute producers or suppliers of pirated goods should an individual be harmed by a faulty knock-off. While he quickly pointed out that the current situation is "completely insufficient," Mumthaz noted that the Maldives is going through a difficult transition now, with the first democratically-elected government in 30 years attempting to pass major constitutional, electoral, and administrative reforms.

MALDIVES DEVELOPING NEW IPR REGIME

13. (SBU) Mumthaz conceded that progress was "officially" slow, but emphasized that much ground work was being laid. The country is expected to "graduate" from least-developed

country status in 2011 and must pass WTO-compatible IPR legislation by the end of 2010. Hussain said that both the President and the Minister of Economic Development understand this and will add the legislation (much of which has already been drafted with assistance from WIPO) to its legislative calendar once "more pressing matters" are resolved. Another serious problem slowing passage of IPR legislation was a real lack of knowledge and understanding of IPR issues among the country's new political and policy elite. "IPR issues are complicated, and no politician wants to admit to not understanding anything," sources said.

14. (U) Since its establishment last year, the IPU has run numerous training, capacity building, and outreach programs. Awareness seminars have been conducted with students, the music industry, bookstore owners, police, and business people, and more seminars are in the pipeline awaiting funding. A number of industry organizations are also being established to assist in enforcement and outreach campaigns. IPU officers, with WIPO assistance, participated in the WIPO Asia-Pacific Regional Capacity Building Workshop on Formulation and Implementation of IP Development Plans in June, 2008 and in the WIPO Regional Colloquium on Intellectual Property Education, Training, and Research in November 2008. In October, 2009 the IPU itself organized a two-day conference in Male' for key stakeholders to discuss IP rights and enforcement issues.

15. (U) The IPU is expected to morph into a full IP office in 2010, including additional staff and resources. Unfortunately, there are very few people in the Maldives with experience or expertise in the IP field; indeed, no one in the country has an advanced degree in IP, and even basic technical expertise is lacking. Significant

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capacity-building is sorely needed. The IPU is currently coordinating with the Faculty of Sharia to launch an IP module for law school students in 2010, however neither the government nor the school has any teaching materials to provide and only one professor is available to teach the course. As Mumthaz aptly stated, "having an IP office... with an unprepared staff will not help protect IP rights in the Maldives. If piracy is a problem here, investors won't come, and our economy won't develop and diversify."

16. (U) A WIPO team visited the Maldives from August 31 to September 4, 2009 to develop an action plan for works to be carried out to implement the IPR regime. According to the action plan, the Copyright Law should be submitted to parliament for ratification by the end of 2009 and additional IP legislation should be drafted by March 2010. On the administrative side, the IPU hopes to hire additional staff and obtain needed equipment in the first quarter of 2010. Staff training and awareness seminars should occur in the second quarter. By the end of 2010, the basic legislation would be translated into the local language and submitted to Parliament for ratification. In 2011, regulations would be implemented, with additional training for judges, customs officials, police, and other stakeholders planned.

MALDIVES REQUESTS ASSISTANCE

17. (U) Mumthaz asked if it would be possible for the U.S. to provide experts and offer training sessions on IPR issues with key GOM officials and parliamentarians, perhaps in coordination with WIPO experts. He also requested significant assistance with supporting the home-grown faculty module as well as staff capacity-building exercises. Finally, Mumthaz noted that having an IP national standard, but the government is making a real and concerted effort, hindered by difficult political and financial realities. The government is working to open the country to international trade and investment (reftel), and recognizes the need for a strong IPR regime to ensure continued growth and economic development. Post's commercial section has already received

a number of requests from potential American investors for information on the Maldives' IPR regulations. In addition, Post is working with other Missions in Sri Lanka with interests in the Maldives to develop a coordinated assistance response, and Department of State and Department of Commerce (USPTO) ideas would be warmly welcomed. END COMMENT.

FOWLER